IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2679 OF 2006
IN
FIRST APPEAL NO.1118 OF 2006

M/s.United India Insurance Co.Ltd. ...Applicant

vs.

Sou.Vindravati Udrej Singh & Ors. ...Respondents

Ms Ghotekar i/b Mr.N.G.Ghotekar for the Applicant
Mr.Sachin Shetye for the Respondent 1 to 5.

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 27, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The main contention of the applicant is that the multiplicand taken by the Tribunal as well as the multiplier taken by the Tribunal is on the higher side. The Award has been made against the Applicant as well as against the Respondent no.8. The report received from the Tribunal shows that the amount of Rs.10,39,590/- representing the 50% share of the Respondent No.8 has been deposited by the respondent No.8 and the same has been invested. The Applicant has deposited a sum of Rs.10,49,682/- with the Tribunal.

2. Even if the case made out by the Applicant is accepted, at highest the compensation granted will have to be reduced to some extent. Therefore,the original Applicants deserve to be allowed to withdraw a reasonable amount.

3. Hence, I pass the following order :

i) The Tribunal will permit the first Respondent to withdraw a sum of Rs.1,50,000/- unconditionally. The Tribunal will also permit the second to fifth Respondents who have now attained majority to withdraw a sum of Rs.40,000/- each without security.

ii) The Tribunal will invest the balance amount deposited by the Applicant in fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till the disposal of the Appeal. The Tribunal will permit the first to fifth Respondents to withdraw the interest accrued on the 50% of the fixed deposit amount. To enable the second to fifth Respondents to do so, the balance amount remaining after withdrawal of the amounts by the first to fifth Respondents be invested by the Tribunal in two deposits of equal amount. One of the two deposits will be cumulative. Further order of disbursement of the amount invested with interest accrued thereon will be passed at the time of final disposal of the Appeal.

iii) Civil Application is disposed of in above terms.

JUDGE